

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

When Should I Use Form I-290B?

Form I-290B is used to file an appeal or motion on any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals (BIA) does not have appellate jurisdiction. The appeal or motion must be filed with USCIS in accordance with the regulations at 8 C.F.R. § 103.3 and § 103.5.

The form must be filed within 30 calendar days after service of the decision. If the decision is mailed, the form must be filed within 33 days. If the appeal relates to a revocation of an immigrant petition approval, the appeal must be filed within 15 calendar days after service of the decision, 18 days if the decision was mailed. The date of service is normally the date of the decision.

Late filed appeals and motions will be rejected.

The form may be used in the following circumstances:

1. To file an appeal with the Administrative Appeals Office (AAO); or
2. To file a motion to reconsider a decision of USCIS (either the AAO or a field office); or
3. To file a motion to reopen a decision of USCIS (either the AAO or a field office).

When a decision on a petition is appealed or a request for a motion is made, the petitioner, an authorized official of a petitioning employer, or the petitioner's attorney or representative must sign this form. (In the case of self-petitioners and applicants for certain waivers, the self-petitioner or waiver applicant must sign the form.)

Who May Not File Form I-290B?

If you are the beneficiary of a visa petition or the beneficiary's attorney or representative, you may not file an appeal or motion.

General Instructions**Step 1. Fill Out Form I-290B**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **4**. The following information should help you fill out the form.

Part 1. Information About You (*Individual/Business/Organization filing appeal or motion.*)

1. **Family Name** (Last name) - Give your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.
2. **Name of Business or Organization** - Give the complete name, without abbreviations.
3. **Mailing Address** - Give your complete mailing address.
4. **Daytime Phone Number** - Give a phone number with area code where you can be reached during the day.
5. **Fax Number** - Give a fax number with area code.
6. **E-mail Address** - If you have an E-mail address please provide it.

If you are acting as an attorney or representative - check the box provided and complete the rest of **Part 1** as follows:

1. **Family Name** (Last name) - Give your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.

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- 2. Business/Organization/School Name** - Give the complete name, without abbreviations, if the party for whom you are filing is other than an individual.
 - 3. A #** - This is your client's USCIS (INS) file number. It begins with an "A" and can be found on a Permanent Resident Card or on correspondence that has been received from the Department of Homeland Security (DHS) or USCIS. If they do not have an A #, leave this blank.

Part 2 - Information About the Appeal or Motion

You must clearly indicate if you are filing an appeal or a motion. The adverse decision will indicate whether you may file an appeal or a motion. The requirements for motions to reopen and motions to reconsider are located at 8 C.F.R. § 103.5.

Part 3 - Basis for the Appeal or Motion

Your appeal or motion will be dismissed if you do not complete this part. If additional space is needed, attach a separate sheet(s) of paper.

Part 4 - Signature of Person Filing the Appeal/Motion or His or Her Authorized Representative

You or your legal representative must sign and submit the Form I-290B. A Form G-28, Notice of Entry of Appearance as Attorney or Representative, must be attached if signed by a legal representative.

Step 2. General requirements

Your appeal or motion must include the following items.

Your signed and completed Form I-290B

NOTE: If you wish, you may be represented at no expense to the U.S. Government by an attorney or other duly authorized representative. Your attorney or representative must submit a Form G-28, Notice of Entry of Appearance as Attorney or Representative, with the appeal or motion. If the appeal or motion is filed by an attorney or representative without a properly executed Form G-28, it will be dismissed or rejected.

Appeals

1. Brief

You do not need to submit a brief in support of your appeal, but you may submit one if you so choose. You may also submit additional evidence.

You may submit a brief and evidence with this form. Or you may send these materials to the AAO within 30 days of the date you sign this form. You must send any materials you submit after filing the appeal to:

**USCIS Administrative Appeals Office
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W., Room 3000
Washington, DC 20529**

If you need more than 30 days, you must explain why in a separate letter attached to this form. The AAO may grant more time **only** for good cause.

2. Oral Argument:

You may request oral argument before the AAO in Washington, D.C. in a separate letter attached to this form. The letter must explain specifically why an oral argument is necessary, i.e., why your argument cannot be adequately addressed in writing.

If your request is granted, the AAO will contact you about setting the date and time. The U.S. Government does not furnish interpreters for oral argument.

Motions

Although a petitioner may be permitted additional time to submit a brief and/or evidence to support an appeal, no such provision applies to motions. Any additional evidence must be submitted concurrent with the motion.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

What Is the Filing Fee?

The filing fee for a Form I-290B is **\$585**.

NOTE: The fee will be the same when an appeal or motion is taken from the denial of a petition with one or multiple beneficiaries, provided that they are all covered by the same petition, and therefore, the same decision.

The fee will not be refunded, regardless of the action taken in your case.

Use the following guidelines when you prepare your check or money order for the Form I-290B fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.
 - C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at www.uscis.gov, select "Immigration Forms" check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Where to File?

You must file your appeal or motion with the USCIS office that made the unfavorable decision within 30 calendar days after service of the decision (33 days if your decision was mailed). If you are appealing the revocation of an immigrant petition approval, you must file the appeal within 15 days of the revocation decision (18 days if the decision was mailed.) The date of service is normally the date of the decision.

Do **not** send your appeal directly to the Administrative Appeals Office (AAO). Submit an original appeal or motion only. Additional copies are not required.

Address Changes

While your **appeal** is pending, if you change your address, send a written notice of your change of address to the Administrative Appeals Office (AAO). Include the type of case that was denied and any available tracking number (receipt number and/or A-number). Mail the notice to:

**USCIS Administrative Appeals Office
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W., Room 3000
Washington, DC 20529**

If you change your address after you file a **motion**, where you send your notice depends on where your motion is pending. If your motion has been forwarded to the AAO, send a written notice of your change of address to the above address. If your motion has remained with the office where you submitted it, send the notice to that office. Include the type of case that was denied and any available tracking number (receipt number and/or A-number).

Processing Information

An appeal or motion that is not signed or is not accompanied by the proper fee **will be dismissed or rejected** with a notice that the appeal is deficient. If completed timely, you may correct the deficiency and resubmit the appeal. However, an appeal or motion is not considered properly filed until it is accepted by USCIS.

Once the appeal or motion is accepted, it will be reviewed. If you do not have any standing to file the appeal or motion, or the decision is not appealable or filed timely, the appeal or motion will be dismissed or rejected without further review.

Decision. You will be notified in writing of any action taken on your appeal or motion.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-290B, we will deny the Form I-290B and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-290B.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 30 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0009. **Do not mail your application to this address.**